AMENDMENTS TO THE CLAIMS

The listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A recombinant polynucleotide comprising the *kstD* promoter from *Rhodococcus* and a nucleotide sequence encoding a heterologous polypeptide that is operably linked to said promoter.

2. (Previously Presented) The recombinant polynucleotide according to claim 1, wherein said *Rhodococcus* is *Rhodococcus erythropolis*.

3. (Previously Presented) The recombinant polynucleotide according to claim 1, wherein the promoter comprises nucleotides 1-158 from the sequence of SEQ ID NO:3 or a functional part thereof.

4. (Previously Presented) The recombinant polynucleotide according to claim 2, further comprising a nucleotide sequence encoding a transcription regulator of said promoter.

5. (Previously Presented) The recombinant polynucleotide according to claim 4, wherein the expression of said nucleotide sequence is controlled by steroidal compounds.

6. (Previously Presented) The recombinant polynucleotide according to claim 5, wherein said regulator comprises the *kstR* gene or a homologue or a functional part thereof.

7. (Canceled).

8. (Currently Amended) The recombinant polynucleotide according to ~~claim 7~~ claim 1, further comprising at least one nucleotide sequence selected from the group consisting of a selectable marker, a counter-selectable marker and a reporter gene.

9. (Currently Amended) The recombinant polynucleotide according to ~~claim 7~~ claim 1, further comprising a signal sequence.

10. (Currently Amended) A recombinant vector comprising the recombinant polynucleotide according to ~~claim 7~~ claim 1.

11. (Previously Presented) A recombinant vector according to claim 10, further comprising a nucleotide sequence having multiple cloning sites.

12. (Previously Presented) A host cell transformed with the recombinant vector according to claim 10.

13. (Previously Presented) The host cell according to claim 12, wherein said host cell is a bacterium from the order of Actinomycetales.

14. (Previously Presented) The host cell according to claim 13, wherein said host cell is selected from bacteria belonging to the families of *Actinomycetaceae*, *Corynebacterineae*, *Mycobacteriaceae*, *Nocardiaceae*, *Brevibacteriaceae*, and *Micrococcaceae*.

15. (Previously Presented) The host cell according to claim 13, wherein said host cell is selected from bacteria belonging to the genus *Rhodococcus*.

16. (Currently Amended) The host cell according to claim 13, wherein said host cell is the bacterium *Rhodococcus erythropolis* RG10 as deposited under number ~~DSM 15231~~ DSMZ 15231 with the DSMZ-Deutsche Sammlung von Mikroorganismen und Zellkulturen.

17. (Previously Presented) The host cell according to claim 25, which does not contain a functional *kstR* gene or a homologue or a functional part thereof.

18. (Previously Presented) A method for producing the heterologous polypeptide in a host cell, comprising transforming the host cell with the recombinant vector of claim 10.

19. (Canceled)

20. (Previously Presented) A method for constitutive expression of a heterologous protein of interest comprising transforming a host cell which does not contain a functional kstR gene or a homologue or a functional part thereof with a polynucleotide construct wherein the expression of the coding region of said heterologous protein is under control of the kstD promoter.

21. (Canceled)

22. (Withdrawn) A method for identifying compounds that regulate the activity of the *kstD* promoter comprising exposing a host cell according to claim 14 to at least one compound whose ability to modulate the activity of a *kstD* promoter is to be determined, and monitoring said cell for modulated *kstD* promoter activity.

23. (Previously Presented) The recombinant polynucleotide according to claim 3, further comprising a nucleotide sequence encoding a heterologous polypeptide that is operably linked to the promoter.

24. (Previously Presented) A vector comprising the recombinant polynucleotide of claim 23.

25. (Previously Presented) A host cell transformed with the vector of claim 24.

26. (Previously Presented) The host cell of claim 25, comprising a nucleotide sequence encoding a transcription regulator, wherein the transcription regulator is *kstR* or a homologue or a functional part thereof.

27. (Previously Presented) The host cell of claim 26, wherein the transcription regulator comprises SEQ ID NO.: 6.

28. (Previously Presented) The recombinant polynucleotide according to claim 23, further comprising a nucleotide sequence encoding SEQ ID NO.: 6 or a functional part thereof.

29. (Previously Presented) A method of inducing expression of a heterologous protein, comprising:

providing a host cell having *kstR* activity,

transforming the host cell with a vector comprising a nucleotide sequence encoding the heterologous protein operably linked to a *kstD* promoter from *Rhodococcus*, and

incubating the transformed host cell in media comprising a concentration of steroid sufficient to lift the repressor function exerted by the *kstR* activity.